

Date: February 1, 2006

To: House Natural Resources, Great Lakes, Land Use and Environmental Committee

From: Sisters of Mercy of the Americas, Regional Community of Detroit

Re: Water use legislation SB 850-852, 854, 857

The Sisters of Mercy of the Americas, Regional Community of Detroit, is a Roman Catholic congregation of women religious, with over 200 sisters and associates living and working in Michigan. Because our *Direction Statement* calls us to "act in harmony and interdependence with all creation," and our recent Institute Chapter (assembly) recognized the need to intensify our responses to the critical needs of our times, which includes a call "to reverence Earth and work more effectively toward the sustainability of life and toward universal recognition of the fundamental right to water," we, in collaboration with the LCWR (Leadership Conference of Women Religious) Region VII Justice Promoters, call for the strengthening of legislation to protect Michigan's water resources.

Surrounded by the Great Lakes, Michigan is home to some of the richest water resources on Earth. However, in this era of globalization, there is a real danger that these water resources are becoming nothing more than a commodity to be exploited for private profit. We believe that Michigan's water resources are part of the global commons which must be protected for future generations. Misuse of water resources also leads to serious environmental damage, damage that could be irreversible if these practices are allowed to persist.

In recent years, several cases have highlighted the need for comprehensive water protection legislation in Michigan. These include the impact of rock-mining quarries in Monroe County, potato farm irrigation in Saginaw County, water diversion for a gravel pit in Oakland County, Nestle's extraction of spring water in Mecosta County and the sale of public water for private gain in Livingston County.

Given the critical importance of Michigan's water resources, it is imperative that the legislature acts to strengthen current water use legislation. We encourage the legislature address the following concerns:

Diversion of Great Lakes Water

Currently, the only defense against diversion of Great Lakes water is the Water Resources Development Act (WRDA). This federal law gives the governors of the eight Great Lakes states the authority to veto out-of-basin diversions. The Nestle Water Corporation has challenged this authority in a lawsuit filed in Michigan. We urge the committee to strengthen protection against wasteful diversions by requiring legislative approval for any project that seeks to divert water beyond the Great Lakes basin. This move would make the legislature an equal partner with the governor in protecting Michigan's water resources and would stand up to legal challenges.

Water Conservation

Water is a precious natural resource which must be used with care in order to prevent adverse environmental impacts and resource depletion. It is also important that Michigan is able to demonstrate a commitment to efficient water usage if it has to confront irresponsible diversions of Great Lakes water. If Michigan requires responsible use of water within its borders, it can demand that a potential diverter show why they cannot fulfill their water needs through more efficient use of their current supplies. Therefore we urge the committee to require that each water-using sector develop generally accepted water-management practices for their industry. Each user within the sector would certify that they are following those practices when they register their use with the state.

Resource Protection

The current definition of adverse resource impact focuses narrowly on the impact of water withdrawal on fish populations in lakes, rivers and streams. While there is limited protection for homeowners who sustain damage to wells that provide drinking water, there is no recourse for property damage such as trees dying for lack of water, backyard ponds drying up, or impairments to wildlife habitat. We urge the committee to adopt an amendment that would expand the definition of adverse resource impact to include damages to natural resources located on private property caused by water withdrawal.

Contact:

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